

# AUSTRALIAN CAPITAL TERRITORY.

No. 3 of 1941.

## AN ORDINANCE

### Relating to Scaffolding and Lifts.

**B**E it ordained by the Deputy of the Governor-General in and over the Commonwealth of Australia, with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *Seat of Government Acceptance Act 1909-1938* and the *Seat of Government (Administration) Act 1910-1940*, as follows:—

#### PART I.—PRELIMINARY.

1. This Ordinance may be cited as the *Scaffolding and Lifts Ordinance 1941*.<sup>a</sup> Short title.
2. This Ordinance shall come into operation on a date to be fixed by the Minister by notice in the *Gazette*. Commencement.
3. The Scaffolding and Lifts Act, 1902 and the Scaffolding and Lifts (Amending) Act, 1908 of the State of New South Wales shall cease to apply to the Territory. Repeal.
4. This Ordinance is divided into Parts, as follows:— Parts.
  - Part I.—Preliminary.
  - Part II.—Scaffolding and Cranes.
  - Part III.—Lifts.
  - Part IV.—Inspection.
  - Part V.—Miscellaneous.
5. In this Ordinance, unless the contrary intention appears— Definitions.

“Chief Inspector” means the Chief Inspector of Scaffolding and Lifts appointed under this Ordinance;

“crane” means any steam crane, electric crane, hydraulic crane, and any other power crane or hoist used or intended to be used in connexion with building operations or used or intended to be used in any place for the purpose of lifting or handling timber, iron, stone or other materials;

“engine” means any machine, crane, boiler or other apparatus or contrivance used or intended to be used for or in connexion with the erection, demolition, alteration, repair, cleaning or painting of a building or structure; and includes any hand crane, travelling crane and other similar apparatus or contrivance used or intended to be used in any place for the purpose of lifting or handling timber, iron, stone or other materials;

<sup>a</sup> Notified in the *Commonwealth Gazette* on 1st Mar. 1941.

“gear” includes any ladder, plank, chain, rope, fastening, hand hoist stay, block, pulley, hanger, sling, brace, or other like movable apparatus or contrivance;

“horizontal base” means ground level, or, in relation to scaffolding erected upon a permanent floor with walls on all sides not less than three feet higher than the scaffold boards, means that permanent floor;

“inspector” means an inspector appointed under this Ordinance, and includes the Chief Inspector;

“lift” means any apparatus or contrivance within or attached to a building, and worked by power other than hand, by which persons or goods may be raised or lowered, and includes any machinery used for working a lift;

“scaffolding” means—

(a) any structure built up and fixed to a height exceeding eight feet from the horizontal base on which it is built up and fixed;

(b) any derrick, shearlegs, or other like contrivance;

(c) any projecting structure higher than eight feet from the ground; and

(d) any swinging stage,

used or intended to be used for or in connexion with the erection, demolition, alteration, repair or painting of a building or structure or for the purpose of erecting or demolishing timber stacks

Appointment  
of Chief  
Inspector and  
inspectors.

6. The Minister may appoint a Chief Inspector of Scaffolding and Lifts and such other inspectors as he considers necessary for the purpose of securing the observance of this Ordinance and the Regulations.

#### PART II.—SCAFFOLDING AND CRANES.

Notice of  
intention  
to erect  
scaffolding, &c.

7.—(1.) A person shall, at least twenty-four hours before commencing to set up or build any scaffolding, engine or crane, serve on the Chief Inspector a notice in writing under his hand of his intention so to do.

Penalty: Twenty pounds.

(2.) A person shall not commence to set up or build any scaffolding, engine or crane—

(a) without having served notice as required by the last preceding sub-section; or

(b) except in the case of emergency arising from damage caused by lightning, explosion, fire or rain within twenty-four hours after having so served notice.

(3.) Nothing in this section shall apply in relation to the setting up or building of scaffolding for any purpose in connexion with the erection or demolition of a timber stack.

8. A person shall not set up, build, maintain, or use any scaffolding, engine or crane, or any gear used in connexion therewith, except in accordance with the Regulations.

Scaffolding, &c., to be in accordance with the Regulations.

Penalty: Twenty pounds.

#### PART III.—LIFTS.

9.—(1.) A person shall, at least twenty four hours before commencing to erect a lift serve on the Chief Inspector a notice in writing under his hand of his intention so to do.

Notice of intention to erect lifts.

(2.) A person shall not commence to erect a lift—

- (a) without having served notice as required by the last preceding sub-section; or
- (b) within twenty-four hours after having so served notice.

#### PART IV.—INSPECTION.

10. An inspector shall from time to time inspect all lifts and all scaffolding, and all engines, cranes and gear used in connexion therewith constructed or used or intended to be used or in course of construction, and for that purpose may, during working hours, enter any building or premises.

Inspector.

11.—(1.) Where it appears to an inspector that any person working a lift is careless, incompetent or untrustworthy, the inspector may direct such person to, and he shall thereupon, cease to work, operate or be in charge of such lift.

Inspector may suspend incompetent attendant.

(2.) Any owner, lessee or manager of any premises who employs such person in connexion with a lift, without the authority in writing of an inspector, shall be guilty of an offence.

Penalty: Ten pounds.

12.—(1.) Where it appears to an inspector—

- (a) that the use of any lift or any scaffolding, engine or crane, or any gear used in connexion therewith, would be dangerous to human life or limb; or
- (b) that, with regard to any lift or any scaffolding, engine, crane or gear used in connexion therewith erected or used or intended to be used or in course of erection, the Regulations are not being complied with,

Inspector may give directions as to scaffolding, &c.

he may give such directions in writing to the owner of or person using such lift or the person in charge or apparently in charge of such scaffolding, engine, crane or gear as he thinks necessary in order to prevent accidents or to ensure a compliance with the Regulations.

(2.) Any person to whom directions have been given under the last preceding sub-section shall, unless notice of appeal is given as hereinafter provided, forthwith carry out those directions.

(3.) Where an inspector gives any directions for any reason mentioned in paragraph (a) of sub-section (1.) of this section, he may at the same or at any other time order any persons

forthwith to cease to use the lift or to work in connexion with the scaffolding, engine, crane or gear until the directions or any order on appeal therefrom has been complied with.

(4.) Any order given by an inspector under the last preceding sub-section may be rescinded by the inspector.

Appeal from directions given by inspector.

**13.—(1.)** The person to whom any directions under the last preceding section have been given, or the owner of the lift or the person in charge of the operations in respect of which the scaffolding, engine, crane or gear is erected, used or intended to be used, may, on giving notice to the inspector within twenty-four hours after the directions have been given, appeal in person to the Minister, or any person authorized in that behalf by the Minister to hear any such appeal.

(2.) The Minister or person so authorized shall hear and determine the appeal with all reasonable despatch, and shall, by order in writing delivered to the person appealing, affirm, vary or rescind the directions.

Offences.

**14. Any person who—**

(a) refuses or fails to comply with any direction given to him by an inspector in pursuance of section twelve of this Ordinance or any order on appeal therefrom; or

(b) refuses or fails to comply with any order given to him by an inspector in pursuance of section twelve of this Ordinance to cease to use a lift or to work in connexion with any scaffolding, engine, crane or gear,

shall be guilty of an offence.

Penalty: Fifty pounds.

Obstruction of inspectors.

**15. Any person who interferes with or obstructs any inspector in the execution of any power or duty conferred or imposed on him by this Ordinance or the Regulations shall be guilty of an offence.**

Penalty: Ten pounds.

#### PART V.—MISCELLANEOUS.

Driver in charge of crane to hold certificate.

**16.—(1.)** A person shall not act as driver in charge of any crane used in connexion with any building operations unless he has obtained and holds a driver's certificate granted under this Ordinance or under the law in force in any State or Territory of the Commonwealth relating to the certification of drivers of cranes, and in force thereunder.

(2.) A driver's certificate may be granted by the Chief Inspector to any person who, after inquiry and examination he considers is trustworthy and competent to act as a driver of a crane. Any certificate so granted may be cancelled by the Minister if he considers that the holder has ceased to be trustworthy or competent to act as driver of a crane.

(3.) Any person who acts as driver in charge of a crane <sup>Penalty.</sup> without holding a driver's certificate granted and in force in pursuance of this section, shall be guilty of an offence.

Penalty: Ten pounds.

17.—(1.) The Minister may make regulations, not inconsistent <sup>Regulations.</sup> with this Ordinance, prescribing all matters which by this Ordinance are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to this Ordinance, and in particular prescribing matters for and in relation to—

- (a) the notice to be given of intention to erect scaffolding, lifts, engines, and cranes, and also as to—
  - (i) permits to be applied for by persons erecting or altering lifts; and
  - (ii) the plans and descriptions to accompany such applications;
- (b) the notice to be given by persons owning or using lifts existing before the commencement of this Ordinance;
- (c) the notice to be given by owners, lessees, and others, in cases where the ownership or right of control of lift has been changed by sale, transfer or otherwise;
- (d) the proper construction and use of scaffolding, lifts, engines, and cranes;
- (e) the certification of drivers of cranes;
- (f) the qualifications, powers, and duties of inspectors; and
- (g) the imposition of penalties not exceeding twenty pounds for breaches of the Regulations.

(2.) Subject to regulations made under this Ordinance and so far as such regulations do not extend, the regulations made under the Scaffolding and Lifts Act, 1912, of the State of New South Wales and in force in that State on the first day of January, One thousand nine hundred and forty-one, are hereby adopted as a law of the Territory, so far as those regulations are applicable to the circumstances of the Territory and subject to such modifications and adaptations as are prescribed.

Dated this thirtieth day of April, 1941.

WAKEHURST

Deputy of the Governor-General.

By His Excellency's Command,

H. S. FOLL

Minister of State for the Interior.